

**REPORT OF THE AUDIT OF THE  
LIVINGSTON COUNTY  
SHERIFF'S SETTLEMENT - 2003 TAXES**

**April 30, 2004**



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**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

To the People of Kentucky

Honorable Ernie Fletcher, Governor

Robbie Rudolph, Secretary

Finance and Administration Cabinet

Honorable Christopher K. Lasher, Livingston County Judge/Executive

Honorable Tommy Williams, Livingston County Sheriff

Members of the Livingston County Fiscal Court

The enclosed report prepared by Berger & Company, CPA, PSC, Certified Public Accountants, presents the Livingston County Sheriff's Settlement - 2003 Taxes as of April 30, 2004.

We engaged Berger & Company, CPA, PSC to perform the financial audit of this statement. We worked closely with the firm during our report review process; Berger & Company, CPA, PSC evaluated the Livingston County Sheriff's internal controls and compliance with applicable laws and regulations.

Respectfully submitted,

Crit Luallen  
Auditor of Public Accounts

Enclosure





**REPORT OF THE AUDIT OF THE  
LIVINGSTON COUNTY  
SHERIFF'S SETTLEMENT - 2003 TAXES**

**April 30, 2004**





**EXECUTIVE SUMMARY**  
**AUDIT EXAMINATION OF THE**  
**LIVINGSTON COUNTY**  
**SHERIFF'S SETTLEMENT - 2003 TAXES**

**April 30, 2004**

Berger & Company, CPA, PSC has completed the audit of the Sheriff's Settlement - 2003 Taxes for Livingston County Sheriff as of April 30, 2004. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$3,070,095 for the districts for 2003 taxes, retaining commissions of \$118,972 to operate the Sheriff's office. The Sheriff distributed taxes of \$2,946,003 to the districts for 2003 Taxes. Taxes of \$1,988 are due to the districts from the Sheriff and refunds of \$1,668 are due to the Sheriff from the taxing districts.

Report Comment:

- Lacks Adequate Segregation Of Duties

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities or bonds.





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To the People of Kentucky

Honorable Ernie Fletcher, Governor

Robbie Rudolph, Secretary

Finance and Administration Cabinet

Honorable Christopher K. Lasher, Livingston County Judge/Executive

Honorable Tommy Williams, Livingston County Sheriff

Members of the Livingston County Fiscal Court

### Independent Auditor's Report

We have audited the Livingston County Sheriff's Settlement - 2003 Taxes as of April 30, 2004. This tax settlement is the responsibility of the Livingston County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Livingston County Sheriff's taxes charged, credited, and paid as of April 30, 2004, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated October 28, 2004, on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.

To the People of Kentucky

Honorable Ernie Fletcher, Governor

Robbie Rudolph, Secretary

Finance and Administration Cabinet

Honorable Christopher K. Lasher, Livingston County Judge/Executive

Honorable Tommy Williams, Livingston County Sheriff

Members of the Livingston County Fiscal Court

Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following report comment:

- Lacks Adequate Segregation Of Duties

Respectfully submitted,

A handwritten signature in black ink that reads "Berger + Company CPA PSC". The signature is written in a cursive, flowing style.

Berger & Company, CPA, PSC

Audit fieldwork completed -  
October 28, 2004

LIVINGSTON COUNTY  
TOMMY WILLIAMS, COUNTY SHERIFF  
SHERIFF'S SETTLEMENT - 2003 TAXES

April 30, 2004

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 344,037	\$ 427,915	\$ 1,087,042	\$ 384,512
Tangible Personal Property	68,432	67,042	137,009	158,936
Intangible Personal Property				36,281
Fire Protection	1,853			
Increases Through Exonerations	5	15	15	5
Franchise Corporation	134,609	118,425	279,858	
Additional Billings	286	395	886	314
Limestone, Sand, and Mineral Reserves	2,160	1,471	6,827	2,415
Penalties	2,899	3,673	8,873	3,272
Adjusted to Sheriff's Receipt	1	7	(20)	
Gross Chargeable to Sheriff	<u>\$ 554,282</u>	<u>\$ 618,943</u>	<u>\$ 1,520,490</u>	<u>\$ 585,735</u>
<u>Credits</u>				
Exonerations	\$ 2,643	\$ 2,924	\$ 8,314	\$ 2,941
Discounts	7,055	8,239	20,022	9,436
Delinquents:				
Real Estate	8,098	10,467	25,548	9,037
Tangible Personal Property	207	183	414	235
Intangible Personal Property				6
Mineral	900	612	2,842	1,005
Additional Billings	24	22	75	27
Uncollected Franchise	22,989	16,843	48,247	
Total Credits	<u>\$ 41,916</u>	<u>\$ 39,290</u>	<u>\$ 105,462</u>	<u>\$ 22,687</u>
Taxes Collected	\$ 512,366	\$ 579,653	\$ 1,415,028	\$ 563,048
Less: Commissions *	22,063	16,091	56,601	24,217
Taxes Due	\$ 490,303	\$ 563,562	\$ 1,358,427	\$ 538,831
Taxes Paid	489,504	562,588	1,355,933	537,978
Refunds (Current and Prior Year)	752	840	2,373	835
Due Districts or (Refunds Due Sheriff)		**		
as of Completion of Fieldwork	<u>\$ 47</u>	<u>\$ 134</u>	<u>\$ 121</u>	<u>\$ 18</u>

\* And \*\* See Next Page

The accompanying notes are an integral part of this financial statement.

LIVINGSTON COUNTY  
TOMMY WILLIAMS, COUNTY SHERIFF  
SHERIFF'S SETTLEMENT - 2003 TAXES  
April 30, 2004  
(Continued)

\* Commissions:

10% on	\$	10,000
4.25% on	\$	1,382,174
4% on	\$	1,415,028
1% on	\$	262,893

\*\* Special Taxing Districts:

Health District	\$	119
Extension District		22
Soil Conservation District		5
Grand Lakes District		1,656
Ledbetter District		(1,616)
Burna Fire District		<u>(52)</u>

Due Districts or (Refunds Due Sheriff)	\$	<u>134</u>
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LIVINGSTON COUNTY  
NOTES TO FINANCIAL STATEMENT

April 30, 2004

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 66.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. These requirements were met, and as of April 30, 2004, the Sheriff's deposits were fully insured or collateralized at a 100% level with collateral of pledged securities held by the Sheriff's agent in the Sheriff's name.

LIVINGSTON COUNTY  
NOTES TO FINANCIAL STATEMENT  
April 30, 2004  
(Continued)

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2003. Property taxes were billed to finance governmental services for the year ended June 30, 2004. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 14, 2003 through April 30, 2004.

Note 4. Interest Income

The Livingston County Sheriff earned \$607 as interest income on 2003 taxes. The Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder will be used to operate the Sheriff's office. As of October 28, 2004, the Sheriff owed \$38 in interest to the school district and \$231 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The Livingston County Sheriff collected \$14,728 of 10% add-on fees allowed by KRS 134.430(3). This amount will be used to operate the Sheriff's office. As of October 28, 2004, the Sheriff owed \$25 in 10% add-on fees to his fee account.

Note 6. Advertising Costs And Fees

The Livingston County Sheriff collected \$1,875 of advertising costs and \$745 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). The Sheriff distributed the advertising costs to the county as required by statute, and the advertising fees will be used to operate the Sheriff's office.



COMMENT AND RECOMMENDATION



LIVINGSTON COUNTY  
TOMMY WILLIAMS, COUNTY SHERIFF  
COMMENT AND RECOMMENDATION

As of April 30, 2004

STATE LAWS AND REGULATIONS:

None.

INTERNAL CONTROL - REPORTABLE CONDITIONS:

Lacks Adequate Segregation Of Duties

The Sheriff's office has a lack of segregation of duties, which we consider to be both a reportable condition and a material weakness. Due to the entity's diversity of official operations, small staff size and budget restrictions, the official has limited options for establishing an adequate segregation of duties. We recommend the Sheriff implement some compensating controls to offset the weaknesses in the internal control structure.

- The Sheriff should periodically compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled.
- The Sheriff should agree monthly tax reports to disbursements ledger.

*Sheriff's Response: Due to budget restrictions, we will always have a lack of segregation of duties.*

PRIOR YEAR:

Lacks Adequate Segregation Of Duties

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REPORT ON COMPLIANCE  
AND ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT  
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





The Honorable Christopher K. Lasher, Livingston County Judge/Executive  
Honorable Tommy Williams, Livingston County Sheriff  
Members of the Livingston County Fiscal Court

Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards

We have audited the Livingston County Sheriff's Settlement - 2003 Taxes as of April 30, 2004, and have issued our report thereon dated October 28, 2004. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Livingston County Sheriff's Settlement -2003 Taxes as of April 30, 2004 is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Livingston County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. However, we noted certain matters involving the internal control over financial reporting and its operation that we consider to be reportable conditions. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. The reportable condition is described in the accompanying comment and recommendation.

- Lacks Adequate Segregation Of Duties

Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is a material weakness.

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified parties.

Respectfully submitted,

A handwritten signature in black ink that reads "Berger & Company CPA PSC". The signature is written in a cursive, flowing style.

Berger & Company, CPA, PSC

Audit fieldwork completed -  
October 28, 2004



